

**Notice of Allowability**

Application No.

10/005,585

Examiner

Stephen M. D'Agosta

Applicant(s)

MONTAGUE, WILLIAM A.

Art Unit

2683

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 5-13-05.
2. ☒ The allowed claim(s) is/are 1,4-14,17,19, 22, 24 and 26-27.
3. ☒ The drawings filed on 10-26-2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Frank Caufield on May 19<sup>th</sup>, 2005.

- a. Please cancel claims 2, 3 and 25.
- b. Claims 12 and 14 should be changed to depend from claim 1.
- c. Please replace claim 1 with the following claim:

Claim 1: A telephone having a key pad comprising at least ten number keys arranged to dial the digits from 0 to 9 inclusive, each of said number keys being marked with a visual indicator denoting the digit which the number key is arranged to dial, the number key arranged to dial the digit 1 comprising a first tactile indicator directly affixed thereto, and the number key arranged to dial the digit 9 comprising a second tactile indicator directly affixed thereto distinguishable by touch from the first tactile indicator, said first and second tactile indicators not substantially obscuring said visual indicators on said keys bearing said tactile indicators, said tactile indicators not being the Braille equivalent of the digits which said number keys bearing said tactile indicators are arranged to dial and wherein said telephone, in said addition to said ten number keys, has an ON key which must be pressed before said number keys can dial their associated digits, said ON key comprising a third tactile indicator directly affixed thereto, distinguishable by touch from both said first and second tactile indicators, and a SEND key which must be pressed after pressing said number keys in order to transmit the digits dialed by said number keys, said SEND key comprising a fourth tactile indicator directly affixed thereto and distinguishable by touch from all of said first, second and third tactile indicators.

***Allowable Subject Matter***

The following is an examiner's statement of reasons for allowance:

1. The applicant has amended the claims as recommended by the primary examiner. Hence the examiner believes claims 1, 4-14, 17, 19, 22, 24 and 26-27 to be novel in his opinion.

2. The examiner and applicant's attorney discussed claims 1 and 25 on May 19<sup>th</sup>, 2005 whereby they agreed to the above amendment.

3. The examiner puts forth additional patents that are similar in nature (with regard to tactile indicators) but used for different purposes and thus do not read on the specific claim limitations as put forth in the amendment. In the primary examiner's opinion, claims 1 and 25 were written too broadly and continued to read on the prior art of record, hence the amendment was requested.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen D'Agosta  
PRIMARY EXAMINER  
5-23-2003

A handwritten signature in black ink, appearing to be 'SD' or 'D' with a flourish, located below the typed name and date.